

9200

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Bruno MOUGIN et al.

Application No.: 09/701,243

Filed: December 28, 2000

Docket No.: 107976

For: METHOD FOR AMPLIFYING AT LEAST ONE SPECIFIC NUCLEOTIDE
SEQUENCE, AND PRIMERS USED

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RESPONSE TO NOTICE OF ABANDONMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

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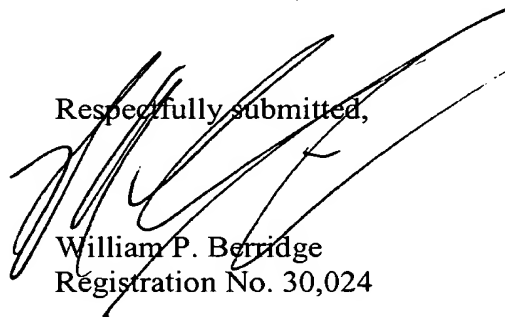
In reply to the February 24, 2003 Notice of Abandonment (copy attached), it appears that the mailing of a Notice of Abandonment for this application was in error. The Notice of Abandonment indicates that Applicants failed to respond to an October 1, 2001 Decision on Petition; however, Applicants never filed a Petition before October 2, 2001 and never received a Decision on Petition dated October 1, 2001.

In order to confirm that the mailing of the Notice of Abandonment is a Patent Office Error, we contacted the PCT Branch Customer Service Department at 703-305-3257. A customer service representative reviewed the PCT Branch's file for this application, and indicated that there are no records of the February 14, 2003 Notice of Abandonment. The customer service representative confirmed that the mailing of the Notice of Abandonment for this application was a Patent Office error, and that the Notice of Abandonment should be disregarded.

Additionally, Applicants filed a Petition to Withdraw Holding of Abandonment in the Patent Office on February 21, 2003 in response to a Patent Office Communication dated February 12, 2003. The February 12 Patent Office Communication notified Applicants that the application is abandoned for failure to respond to the November 18, 2002 Notification of Defective Response. However, Applicants timely responded to the November 18 Notification of Defective Response on December 18. A copy of the December 18 filing, along with a copy of the December 18 date-stamped PTO postcard receipt, was attached to the Petition to Withdraw Holding of Abandonment.

In view of the foregoing remarks, Applicants assert that this application should not be held as abandoned. Prompt action on the February 21, 2003 Petition to Withdraw Holding of Abandonment and prompt examination of the application are earnestly solicited. Please contact Applicants' undersigned representative at the telephone number set forth below with any questions or comments regarding examination of this application.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Philip A. Caramanica
Registration No. 51,528

WPB:PAC/jam

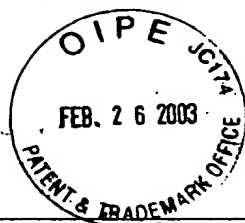
Attachment:

Copy of February 14, 2003 Notice of Abandonment

Date: February 26, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/701,243		Bruno Mougin	107976

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CONFIRMATION NO. 7333

ABANDONMENT/TERMINATION
LETTER



OC000000009524409

Date Mailed: 02/14/2003

Oliff & Berridge
PO Box 19928
Alexandria, VA 22320

NOTICE OF ABANDONMENT

Decision on Petition

The above-identified application is **abandoned** for failure to timely reply to the Decision on Petition mailed on 10/01/2001.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

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*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

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